

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA**

<b>MARK RENFRO, et al.,</b>	)	
	)	<b>Case No.: 2:07-2098-BWK</b>
	)	
<b>Plaintiffs;</b>	)	
	)	
<b>v.</b>	)	
	)	
<b>UNISYS CORPORATION, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**NOTICE OF SUPPLEMENTAL AUTHORITY IN SUPPORT OF PLAINTIFFS'**  
**OPPOSITION TO FIDELITY DEFENDANTS' MOTION TO DISMISS AND IN**  
**SUPPORT OF PLAINTIFFS' MOTION FOR RELIEF**  
**PURSUANT TO RULE 56(F)**

Plaintiffs submit this Notice of Supplemental Authority in support of their Opposition to Fidelity Defendants' Motion to Dismiss and Plaintiffs' Motion for Relief Pursuant to Rule 56(f) of the Federal Rules of Civil Procedure.

On July 16, 2008, Judge Stephen Wilson denied defendants' Motion to Dismiss in a case alleging similar breaches of fiduciary duty by 401(k) plan sponsors and administrators. *Tibble v. Edison Int'l*, No. CV 07-5359 SVW (C.D. Cal. July 16, 2008).<sup>1</sup> Attached as Exhibit A. The *Edison* court's analysis will considerably inform the issues presented here.

For reasons stated in Plaintiffs' prior briefings and those expressed in *Tibble v. Edison Int'l*, Fidelity Defendants' Motion to Dismiss should be denied. Further, Unisys Defendants' Motion for Summary Judgment should be denied without prejudice or, in the alternative, Plaintiffs' Motion for Relief Pursuant to Rule 56 (f) should be granted.

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<sup>1</sup> The Order granted the Motion to Dismiss in part on one count against two of the defendants, but granted Plaintiffs leave to amend the complaint in accordance with Rule 12(b)(6). P 15-16.

Respectfully Submitted,

SCHLICHTER, BOGARD & DENTON

s/Troy A. Doles

Jerome J. Schlichter  
Troy A. Doles (admitted *pro hac vice*)  
100 South Fourth Street  
Suite 900  
St. Louis, MO 63102  
Tel: 314-621-6115  
Fax: 314-621-7151  
Lead Counsel for Plaintiffs

Theodore H. Jobes  
Fox Rothschild LLP  
2000 Market Street, Tenth Floor  
Philadelphia, PA 19103  
Tel: 215-299-2786  
Fax: 215-299-2150  
Local Counsel for Plaintiffs

**CERTIFICATE OF SERVICE**

This is to certify that on July 28, 2008, a copy of the above was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

Joseph J. Costello  
jcostello@morganlewis.com  
Brian T. Ortelere  
boretelere@morganlewis.com  
Jamie M. Kohen  
jkohen@morganlewis.com  
1701 Market Street  
Philadelphia, PA 19103  
Tel: 215.963.5295/5150/5472  
Fax: 215.963.5001  
Counsel for the Unisys Defendants

Stephen Harburg  
Shannon Barrett  
Stephen Brody  
O'Melveny & Myers  
1625 Eye Street, NW  
Washington, DC 20006  
Tel: 202.383.5300  
Fax: 202.383.5414  
Counsel for FMTC, FMRCO and FIIOC

John S. Summers (PA ID No. 41854)  
HANGLEY ARONCHICK SEGAL & PUDLIN  
One Logan Square  
27th Floor  
Philadelphia, PA 19103-6933  
Telephone: (215) 568-6200  
Fax: (215) 568-0300  
Counsel for FMTC, FMRCO and FIIOC

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s/Troy A. Doles  
Counsel of Record